

**Honolulu Authority for Rapid Transportation**

**AGREEMENT FOR CONSTRUCTION SERVICES  
CONTRACT No. CT-HRT-1600385**

This Contract for construction services dated SEP 20 2016 (the "Contract") is entered into by and between the HONOLULU AUTHORITY FOR RAPID TRANSPORTATION ("HART"), a semi-autonomous agency of the City and County of Honolulu, whose mailing address is 1099 Alakea Street, Suite 1700, Honolulu, Hawaii 96813, and Shimmick/Traylor/Granite, JV (the "Contractor"), a general domestic partnership, whose mailing address is 16481 Scientific Way, Irvine, California 92618.

**WITNESSETH:**

WHEREAS, HART issued RFP-HRT-858431 on April 7, 2015 for the Airport Guideway and Stations Design-Build Contract for the Honolulu Rail Transit Project ("H RTP"); and

WHEREAS, the Contractor was selected pursuant to Hawaii Revised Statutes ("HRS") Section 103D-303, as amended, and related Hawaii Administrative Rules ("HAR"), relating to competitive sealed proposals;

NOW, THEREFORE, HART and the Contractor, in consideration of the foregoing and of the mutual promises hereinafter set forth, and intending to be legally bound, hereby mutually agree as follows:

1. The Contractor shall satisfactorily meet all requirements set forth in the Contract (also referred to as "Contract Documents" or "Agreement") as defined in SP-1.2.

2. Work under the Contract shall not proceed until HART has issued a written Notice to Proceed ("NTP"). Any work undertaken by the Contractor prior to issuance of the NTP will be the sole responsibility of and will be undertaken at the sole risk of the Contractor, without any obligation on the part of HART.


3. This is a firm fixed-price contract, and HART agrees to pay the Contractor for the satisfactory completion of the Work in accordance with the terms of the Contract in the amount not to exceed EIGHT HUNDRED SEVENTY-FOUR MILLION SEVEN HUNDRED FIFTY THOUSAND and 00/100 DOLLARS (\$874,750,000.00). The lump sum payments for Work performed under the Contract are all inclusive of, but not limited to, labor, overhead, general and administrative expenses, other direct costs, subcontractor costs, fixed fees, and all applicable taxes, State general excise and use tax (GET) and county one-half percent (0.5%) GET surcharge. The Contractor shall not pass through any future increases in tax to HART.

4. Contract funds are certified and enforceable only to the extent to which funds have been certified available. The availability of funds in excess of the amount certified as available shall be contingent upon future appropriations.

5. Unless otherwise agreed in writing when formal notice is to be given to or service served on the parties, it shall be to the respective addresses stated above.

IN WITNESS WHEREOF, HART and the Contractor have executed this Contract by their duly authorized officers or agents on the day and year first above written.

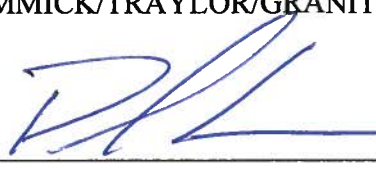
HONOLULU AUTHORITY FOR  
RAPID TRANSPORTATION

By:   
Its ~~Executive Director and CEO~~  
Acting Executive Director *mst*

APPROVED AS TO FORM AND  
LEGALITY:

  
Deputy Corporation Counsel  
REID M. YAMASHIRO

SHIMMICK/TRAYLOR/GRANITE, JV

By:  Paul C. Camaur  
Its Attorney-in-Fact / JV Representative

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

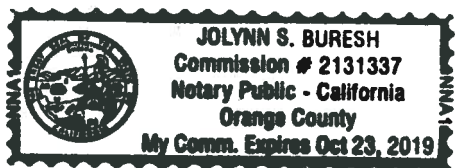
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of Orange )  
 On August 15, 2016 before me, Jolynn S. Buresh, Notary Public,  
 Date Here Insert Name and Title of the Officer  
 personally appeared Paul C. Camaur  
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
 Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

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☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

HART-12 (11/11)

## Certificate

The attached contract for Airport Guideway and Stations Design-Build Contract

Contract Amount (\$874,750,000.00)

is hereby approved as to availability and designation of funds, and certification is hereby made that there is a valid appropriation from which expenditures to be made under said contract may be made and that sufficient unencumbered funds will be available in the Treasury of the City and County of Honolulu to the credit of such appropriation to pay the amounts of such expenditures when the same become due and payable.

CONTRACT NO. CT-HRT-1600385

HONOLULU, HAWAII

FUND Transit Fund (690)

Date:

Transit Fund (695)

ACCOUNT NO.

690/7790 - 17 = \$300,750,000.00 (4263)

695/7790 - 17 = \$574,000,000.00 (4263)

TOTAL = \$874,750,000.00

  
Acting Executive Director

Honolulu Authority for Rapid Transportation

Date:

  
Fiscal Officer 9/20/16  
Honolulu Authority for Rapid Transportation